

CONTRACTOR CERTIFICATION GUIDELINES AND PROCEDURES

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The Contractor Certification Office of the Division of Capital Asset Management and Maintenance ("DCAM"), pursuant to MGL Chapter 149, Section 44D and 810 CMR 4.00, recommends to the Commissioner of DCAM the annual certification of certain building construction contractors in certain categories of work, for a maximum single project amount and up to an aggregate work limit. The Contractor Certification Office will follow the guidelines and procedures set forth below in implementing contractor certification. DCAM reserves the right to revise and amend these guidelines and procedures at any time, without prior notice.

I. Threshold Review of Application

- A. Application is logged in by date and a file folder is prepared in which all information submitted by the applicant or collected by DCAM is kept. If a renewal application, previous file folders are attached.
- B. Form CQ1, *Application for Certificate of Eligibility* is reviewed to ensure that the applicant has indicated the categories of work for which certification is requested.
- C. Form CQ2, *Contractor Qualification Statement (CQS)* is reviewed to ensure that all questions are answered and that it is signed and notarized.
- D. Application is reviewed to ensure that all required supporting documents are present. These documents are listed in the DCAM instructions to applicants and include the following:
 - 1. Application fee in the form of a certified check, bank check or money order.
 - 2. If the applicant is a corporation, a copy of Articles of Organization (or MA Foreign Corporation Certificate if out of state firm) and a copy of MA Corporation Annual Report (or MA Foreign Corporation Annual Report) for the most recently completed fiscal year.
 - 3. If the applicant is a limited liability company (LLC), a copy of the Certificate of Organization and a copy of the LLC Annual Report (or Foreign LLC Annual Report) for the most recently completed fiscal year.
 - 4. If the applicant is a Massachusetts entity which seeks to use a business name other than its legal name, a copy of the DBA or Business Certificate as filed with the clerk of the city or town where the business is located.
 - 5. Resumes of all principal, management and supervisory personnel including copies of all licenses held.

6. Most recent year-ending Reviewed or Audited financial statement completed by an independent CPA. The statement must include a CPA cover letter, balance sheet, and statement of income. Compiled statements are only acceptable at the discretion of the Manager of Contractor Certification, generally for firms with less than \$1,000,000 in gross annual revenues. Applicants that have parent companies, affiliates or subsidiaries must provide a stand-alone financial statement that pertain solely to the applicant. In such cases if no reviewed or audited financial statement is available, the applicant may provide an in-house generated report, provided it includes a balance sheet, statement of income, and reviewed or audited statement of the parent company.
 7. A recent, original letter from the applicant's bonding agent or surety company addressed to Commonwealth of Massachusetts DCAM confirming single project and aggregate bonding limits and stating the name of the surety company providing these bonds.
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- E. The applicant will be promptly notified in writing of any missing information or if clarification of submitted information is necessary. Failure of the applicant to satisfactorily respond to such notifications by supplying the necessary additional information will result in a denial of certification.
 - F. The file folder is filed chronologically by date received. Applications will be considered in the order which they are received by the certification office.
 - G. Renewal applicants may be eligible for up to one (1) extension to their Certificate of Eligibility, provided the applicant's CQS is received by the Contractor Certification Office prior to the expiration date shown on the applicant's Certificate. If the current financial statement or bonding information causes reasonable doubt as to whether the applicant is financially sound, an extension may be denied.
 - H. Renewal applicants may request an extension to their Certificate of Eligibility prior to submitting their CQS, however, the request must be signed and sworn under the pains and penalties of perjury that there have been no adverse changes in financial condition and bonding status since the date of the applicant's last certification. The request must be received by the Contractor Certification Office prior to the expiration date shown on the applicant's Certificate and signed by an officer or partner of the firm. Only one (1) extension may be granted.

II. Preliminary Qualification Review

In order to determine whether the applicant meets the minimum requirements for certification set forth in 810 CMR 4.00, subject to evaluation of completed projects, and to compile and summarize important information contained in the application package, a Certification Worksheet is completed and attached to the inside cover of the applicant's file folder. The following are reviewed.

A. *One Year in Business*

1. The applicant must have been in business for one year.
2. Number of years in business and changes in name or business form are noted on the worksheet.

B. *Experience and Qualifications of Principal and Supervisory Personnel*

Resumes of the applicant's supervisory personnel are reviewed to determine whether their experience on past work is comparable in type, complexity of construction and dollar size to the requested Single Project Limit, Aggregate Work Limit and categories of work. If the applicant's supervisory personnel do not have such experience, certification for those limits and categories will be denied.

C. *Experience and Qualifications of Applicant- Projects Performed*

1. Contracts listed in the CQS are reviewed to determine whether the applicant is in the business of building construction and has completed the minimum number of contracts required for certification and that those projects are comparable in type, complexity of construction and dollar size to the requested Single Project Limit, Aggregate Work Limit, and categories of work. If the applicant does not have such experience, certification for those limits and categories will be denied.
2. The applicant must have completed a minimum of three (3) contracts of at least \$25,000 **and** a minimum of two (2) contracts of at least \$15,000 (for a total of five (5) contracts) in any one of the categories of work listed on the Application for Certificate of Eligibility (Form CQ1) within the past five years.
3. For certification in any additional category, the applicant must have completed a minimum of two (2) contracts of at least \$25,000 and a minimum of one (1) contract of at least \$15,000 (for a total of three (3) contracts) in that category within the past five years. For the work category of "General Building Construction," a minimum of five completed contracts, three (3) over \$25,000 and two (2) over \$15,000 will be required to obtain certification.
4. In the categories of Historical Building Restoration, Historical Painting, Historical Masonry, Historical Roofing and Pumping Stations, the minimum number of completed projects shall be two (2) in the case of a second category, each having a contract value of at least \$25,000. In addition, the applicant must currently have among its personnel at least one person who has more than five years construction experience in the requested category.
5. In the category of Sewage & Water Treatment Plants, in which projects arise relatively infrequently and those that do arise are typically in the public sector, it may unduly limit competition to require that five projects (or three projects in the case of a second category) be completed within the past five years. Consequently, in this category the requirements are as follows:

The contractor may satisfy the requirements outlined in section 2 or 3 above for the category of Sewage & Water Treatment Plants or must meet the following requirements:

- (a) The applicant must be eligible for certification in the category of General Building Construction.
 - (b) The applicant must currently have among its personnel at least one person who has more than five years construction experience in the construction of sewage or water treatment plants.
 - (c) The applicant must have completed at least two projects within the past five years, each having a value of at least \$25,000, in which the applicant had the general contract or subcontract for the construction, installation, or repair of major mechanical equipment which, in the opinion of DCAM, is comparable to that found in a sewage or water treatment plant.
 - (d) The Single Project Limit in this Category of Work (Sewage/Water Treatment Plants) shall not exceed the applicant's Single Project Limit for "General Building Construction."
6. The dollar value of the largest single contract in a category of work for which the applicant is eligible for certification is noted on the worksheet.
7. If a corporation is seeking certification in Plumbing and/or Electrical, the company must possess a valid Massachusetts Corporation Master license in the respective categorie(s). If a license is required by law to perform any other category of work, the applicant must possess such license.

D. Bonding Capacity

- 1. The applicant must have established bonding capacities with a surety company that is licensed to issue surety by the Division of Insurance in the Commonwealth of Massachusetts.
- 2. The single project and aggregate bonding capacity and the name and address of the surety issuing the bonds, as indicated in the letter from the bonding agent, are noted on the worksheet.
- 3. From information provided in the CQS, it is determined whether a bond has been invoked within the past five years. If so, the particulars (i.e. date, owner, brief account of the circumstances and outcome) are noted. The circumstances surrounding the invoked bond shall be reviewed when the project is evaluated (see Section III).
- 4. Invoked bonds may be grounds to deny certification. The applicant shall provide an explanation regarding the circumstances surrounding the invocation of its bond. Any mitigating circumstances shall be considered by DCAM.

E. *Financial References*

1. The most recent year-ending financial statement is reviewed to determine whether the applicant appears to be financially sound (i.e. able to perform its contracts and meet its obligations). Net worth, net income and working capital are noted on the worksheet.
 - (a) If the current financial statement causes reasonable doubt as to whether the applicant is financially sound, additional financial information may be requested.
 - (b) If, after considering sufficient financial information, the applicant's financial position is such that it is evident that the applicant is not financially sound, certification will be denied.
2. The names, addresses and telephone numbers of banks with which the applicant does business are recorded on the worksheet.

F. *Legal and Administrative Proceedings*

1. Legal and administrative proceedings identified on the CQS are reviewed to determine whether they warrant a denial of certification pursuant to 810 CMR 4.05 (5).
2. Suspension or debarment pursuant to MGL Chapter 29, Section 29F or any other debarment statute of the Commonwealth shall result in a denial of certification until the suspension or debarment is lifted or expires.

G. *Project Failures*

1. Project failures and termination's identified in the CQS are reviewed to determine whether they warrant denial of certification pursuant to 810 CMR 4.05 (5).
2. A record of consistent failure or termination by the applicant on public or private construction contracts shall be cause to deny certification.

H. *Other Information*

1. From information provided in the CQS, the highest dollar volume of construction work completed by the applicant during any consecutive twelve-month period within the past five years is noted on the worksheet.
2. From information provided in the CQS, the total contract dollar amount left to complete on all projects that the applicant currently has in progress is noted on the worksheet.

If, based on the review of the above, the applicant appears to meet the minimum requirements for certification in at least one category of work, DCAM shall proceed to compile a record of the applicant's past performance on completed public and private construction projects as provided in Section III.

If, based on the review of the above, the applicant does not appear to meet the minimum requirements for certification, DCAM shall notify the applicant in writing of its preliminary determination to deny certification. The applicant will then have the right to appeal this decision as outlined in MGL c. 149 s. 44D (4).

If it is determined, at any time during the certification process, that the applicant has willfully supplied materially false or misleading information in its application, certification will be denied. In this event, the applicant must wait a period of one (1) year from the date of DCAM's Final Determination to Deny before reapplying for certification.

III. Evaluation of Completed Projects

A. Selection of Projects for Evaluation

1. General Criteria

- (a) Projects must have entailed construction, reconstruction, installation, demolition, maintenance, or repair of a building. Projects must also have been completed within the past five years. A project will be considered complete if final acceptance, substantial completion (at least 99% complete), or use and occupancy have been achieved. Except for purposes of establishing the minimum number of completed projects required for certification as set forth in Section II C, a project will also be considered complete if the applicant has been terminated on the project.
- (b) Projects must include significant work in the category or categories for which certification are sought.
- (c) The work in each category for which certification is sought must have been performed by the applicant's own employees, except for labor and materials customarily supplied by sub-contractors to those performing work in such category under current trade practices.
- (d) Projects should reflect a wide range of dollar values, but not less than the minimum values set forth below. The largest single project must be evaluated provided the project is in a certifiable category, unless it is determined that the information for that project is unreliable or unavailable.
- (e) Projects identified in Section II, subsections D3, F1 and G1 shall be evaluated.

- (f) Projects shall include both public and private jobs if the applicant has performed public and private work in a category for which certification is requested.
- (g) If DCAM is aware of contracts where the applicant is alleged to have caused significant problems or to have performed in an unsatisfactory manner, these contracts shall be evaluated.
- (h) Apart from the above criteria, the selection of projects for consideration should be random.
- (i) Projects that indicate business and/or family ties with the applicant shall not be evaluated.
- (j) Projects must have been performed in the continental United States.

2. New Applicants

- (a) For any one certification category (except for the categories outlined in Section II, Subsections C4 and C5), a minimum of five (5) projects shall be evaluated. At least three (3) of these projects must be valued at \$25,000 or more and at least two (2) of these projects must be valued at \$15,000 or more.
- (b) If more than one certification category is sought (except for the categories outlined in Section II, Subsections C4 and C5), a minimum of three (3) projects shall be evaluated for each additional category. At least two (2) such projects must be valued at \$25,000 and at least one (1) such project must be valued at \$15,000 or more.
- (c) A single project may be used for multiple categories of work as long as the value of the work in each category meets the required minimum dollar amounts.

3. Renewal Applicants

- (a) For each certification category in which a renewal applicant has completed additional projects since the date of the most recently issued annual Certificate of Eligibility, a minimum of one such additional project shall be evaluated, if possible.
- (b) To remain certified in any category of work, except General Building Construction, a renewal applicant must have satisfactorily completed (i.e. achieved an average numerical rating of 70 or greater) at least two (2) projects in such category within the past five years, each with a minimum value of at least \$25,000. Evaluations compiled for previous certifications may be reviewed, if necessary, to ensure that the applicant has completed the required two contracts. DCAM may also obtain evaluations of other projects not previously evaluated to ensure that the applicant has completed the required two contracts.

- (c) To remain certified in General Building Construction, a renewal applicant must have satisfactorily completed (i.e. achieved an average numerical rating of 70 or greater) at least five (5) projects in General Building Construction within the past five years.
- (d) If a renewal applicant is seeking certification in additional categories of work, for each such additional category, projects shall be selected for evaluation in accordance with the procedure set forth in section 2(b) above for new applicants.

B. *Written Evaluations Submitted by Public Awarding Authorities*

1. DCAM will take the following steps to assist public agencies in providing DCAM with written evaluations of contractor performance on building projects as required by MGL c. 149 s. 44D and 810 CMR 4.00:
 - (a) DCAM shall make reasonable efforts to send a copy of the DCAM Standard Contractor Evaluation Form and a statement of the requirements of MGL c. 149 s. 44D and 810 CMR 4.00 to each public agency that advertises an award of a building contract in the Central Register.
 - (b) DCAM shall maintain an electronic diary system to keep track of public building contracts advertised in the Central Register to ensure that awarding authorities are compliant with MGL c. 149 s. 44D.
 - (c) Each certified contractor shall be sent a copy of the Standard Contractor Evaluation Form with its annual Certificate of Eligibility, together with a notice directing the contractor to submit the form to every public agency for whom it performs a building project.
 - (d) DCAM shall, periodically, cause a notice to be published in the Central Register advising public awarding authorities of the requirements of MGL c. 149 s. 44D and 810 CMR 4.00.
2. DCAM shall consider all written evaluations of the applicant's performance on public and private construction projects completed within the past five years submitted by public awarding authorities and private owners subject to the following:
 - (a) Only such evaluations received by DCAM as of the date of the completion of processing of the application will be considered. Evaluations received after the date of the completion of processing will be placed in the applicant's file folder and will not be considered until the next application.
 - (b) Any such evaluation provided on an outdated Standard Contractor Evaluation Form may be rejected, provided the public awarding authority or private owner shall first be given a reasonable opportunity to complete a new evaluation on the current form.

- (c) A written evaluation that is incomplete shall be rejected only after DCAM has made a reasonable effort to obtain the missing information.
- (c) DCAM may interview the evaluator or other persons with direct knowledge of the project in order to verify that the project meets the general criteria for evaluation set forth in Section III A and that the information presented is accurate. Evaluations that do not satisfy the general criteria for evaluation or which DCAM determines to be unreliable shall not be considered.
- (d) If a written evaluation is submitted to DCAM by a public awarding authority or private owner for a project previously evaluated pursuant to Section III C *Evaluations Obtained by DCAM Personnel via Telephone Interview* below (or otherwise utilizing telephone interviews conducted pursuant to previous versions of the DCAM contractor certification procedures), the new evaluation will be considered as follows:
 - (1) If the evaluation is from the same person contacted by DCAM and a different numerical rating is given for the project, that rating will be substituted for the numerical rating obtained by DCAM.
 - (2) If the evaluation is from a different person, the two ratings will be averaged, and the resulting average numerical rating will be assigned to the project.
- (e) Individuals who wish to revise a Standard Contractor Evaluation Form they previously submitted may do so, and the previous evaluation shall be considered null and void.

C. *Evaluations Obtained by DCAM Personnel via Telephone Interviews*

- 1. If no written evaluations of the applicant's completed projects have been submitted to DCAM by public awarding authorities or private owners, DCAM shall obtain evaluations of completed projects listed by the applicant in its CQS as outlined in Section III by conducting telephone interviews.
- 2. DCAM shall also obtain additional evaluations of completed projects listed on the applicant's CQS using telephone interviews when:
 - (a) The written evaluations submitted by public awarding authorities and private owners and accepted for consideration by DCAM will not satisfy all of the general criteria for selection under Section III A1; or
 - (b) An insufficient number of written evaluations have been submitted by public awarding authorities and private owners and accepted for consideration by DCAM to provide the minimum number of project evaluations required under Section III A2 or A3.

3. In the case of a renewal applicant, if the total number of new written evaluations for projects completed by the applicant since the date of applicant's last Certificate of Eligibility submitted by public awarding authorities and private owners and considered by DCAM is less than four (4) and the applicant's Average Rating, as calculated in section IV B falls below 85 as a result of the inclusion of such projects in the applicant's Average Rating, then DCAM shall make a reasonable effort to obtain additional evaluations of completed projects through telephone interviews in order to bring the total number of new evaluations considered up to a maximum of four (4). The additional evaluations may be on projects completed before and/or after the date of the applicant's last Certificate of Eligibility.
4. If DCAM is not satisfied that the written evaluations submitted by public awarding authorities and private owners and considered by DCAM represent an accurate and balanced assessment of the applicant's qualifications, DCAM shall obtain evaluations of up to two (2) additional recently completed projects using telephone interviews.
5. DCAM personnel shall use the Standard Contractor Evaluation Form as a questionnaire when obtaining evaluations of completed projects by means of telephone interviews.
6. When obtaining evaluations of projects by means of telephone interviews, a reference for each project will be contacted. The evaluation shall be obtained only from persons having personal knowledge of the applicant's performance on the project.
 - (a) If DCAM determines that the reference is not well informed or is affected by personal animosity or favoritism toward the applicant, a different reference on the project shall be contacted, if feasible.
 - (b) If the information elicited is not consistent with the applicant's history, an additional reference for the project shall be contacted, if feasible.
7. When more than one evaluation form is completed on a single project, the numerical ratings are to be averaged. The applicant then receives the resulting average numerical rating as the numerical rating on the project.

IV. Calculation of Average Rating

A. *New Applicants*

1. The numerical ratings for all projects compiled in accordance with the provisions of section III are recorded on a Numerical Rating Summary Sheet.
2. The numerical ratings are then added and the average is calculated. This average represents the applicant's Average Rating for the year.

3. An Average Rating of 70 is required for certification. If the Average Rating falls below 70, certification will be denied. In this event, the applicant must wait a period of one (1) year from the date of DCAM's Final Determination to Deny before reapplying for certification.
4. In the event an applicant seeks certification in multiple categories, if the average numerical rating for any particular category falls below 70, DCAM shall deny certification in that category. Notwithstanding, all evaluations shall be included in the applicant's overall Average Rating.

B. *Renewal Applicants*

1. The numerical ratings for all individual projects completed within the past five years that have been used by DCAM in previous certifications of the applicant and those evaluations obtained for the current year that are for projects completed prior to the date of the applicant's most recent Certificate of Eligibility are recorded on the Rating Summary Sheet.
 - (a) The numerical ratings of these evaluations are added and the average is calculated.
 - (b) This average is then multiplied by 0.4 to represent 40% of the applicant's Average Rating for the current year.
2. The numerical rating scores of all individual evaluations compiled in accordance with the provisions of Section III for the current year that are for projects completed after the date of the applicant's most recent Certificate of Eligibility are recorded on the Rating Summary Sheet.
 - (a) The numerical ratings of these evaluations are added and the average is calculated.
 - (b) This average is then multiplied by 0.6 to represent 60% of the applicant's Average Rating for the year.
3. The numbers calculated in sections B1 (b) and B2 (b) above are added together and rounded. The resulting figure represents the applicant's Average Rating for the year
4. An Average Rating of 70 is required for certification. If the Average Rating falls below 70, certification will be denied.
5. In the event an applicant seeks certification in multiple categories, if the average numerical rating for projects or work in any particular category falls below 70, DCAM shall deny certification in that category. Notwithstanding, all evaluations shall be included in the applicant's overall Average Rating.

V. Determination of Certification Limits

A. *Single Project Limit*

1. The Single Project Limit is based upon the applicant's largest single building construction contract completed for all work categories with the exception of General Building Construction.
 - (a) The contract must be for work in a certifiable category for which the applicant is eligible and all contracts must have been performed within the past five years for consideration.
 - (b) The project must receive a minimum numerical rating of 70 when evaluated.
 - (c) The value of this contract shall be adjusted by an inflation factor established by the Certification Office.
 - (d) If the contractor is seeking certification in the work category "General Building Construction" and the highest value single contract completed is in another DCAM work category, a separate single limit shall be assigned for the "General Building Construction" category. Said limit shall be based upon the contractor's largest "General Building Construction" contract, which has been successfully completed during the past five years and meets the definition of "General Building Construction" under Section VI A1.
2. If the applicant's Average Rating calculated pursuant to Section IV is between 70 and 84, the applicant shall be certified for a Single Project Limit equal to 140% of the contract dollar amount of its largest single project. If the applicant's Average Rating is 85 or above, the applicant shall be certified for a Single Project Limit equal to 200% of the contract dollar amount of its largest single project.
3. If the Single Project Limit as calculated above exceeds the applicant's confirmed single project bonding capacity, the limit will be restricted to the bonding capacity.
4. In the event that the applicant's largest single completed project exceeds their highest twelve-month volume of completed work, the applicant's Single Project Limit shall be reduced to their Aggregate Work Limit, as calculated pursuant to Section V (B).

B. *Aggregate Work Limit*

1. The Aggregate Work Limit shall be based upon the dollar value of the applicant's highest consecutive twelve-month volume of work completed within the past five years. The dollar value of this twelve-month volume of work shall be adjusted by an inflation factor established by the Certification Office.

2. If the applicant's Average Rating calculated pursuant to Section IV is between 70 and 84, the applicant shall be certified for 140% of the dollar value of its highest twelve-month volume of completed work. If the applicant's Average Rating is 85 or above, the applicant shall be certified for 200% of the dollar value of its highest twelve month volume of work.
3. If the Aggregate Work Limit calculated as above exceeds the applicant's confirmed aggregate bonding capacity, the limit will be restricted to the bonding capacity.

VI. Categories of Work

A. A contractor may be certified in one or more of the following standard categories of work:

1. **General Building Construction.** The undertaking of general contracts for the construction of buildings (i.e. new construction, renovation, rehabilitation, alteration, addition, etc.). The contract must include a variety of construction practices and supervision of a minimum of three sub-trades. The relocation of concrete modular buildings (type I buildings) or of pre-engineered buildings (type III buildings), pursuant to MGL c. 149 s. 44E, is within the category of general building construction.
2. **Asbestos Removal.** The removal and disposal of asbestos previously incorporated into a building, which may include encapsulation. To be certified in this category, the contractor must possess a current, valid Asbestos Contractor License issued by Massachusetts Occupational Safety for Lead & Asbestos.
3. **Deleading.** The undertaking of lead abatement projects involving one or more of the following: scraping and/or chemical stripping of lead paint, encapsulation and covering of lead contaminated surfaces, or removal and replacement of windows, woodwork or other contaminated surfaces within a building. To be certified in this category, the contractor must possess a current, valid Deleading Contractor License issued by Massachusetts Occupational Safety for Lead & Asbestos.
4. **Demolition.** Work customarily performed by a building wrecking contractor including the razing of buildings or parts of buildings, major gutting of buildings or removal of structural elements of a building. The removal of partitions, flooring, windows, etc. incidental to a renovation or remodeling project is not within this category.
5. **Doors and Windows.** Work customarily performed by this industry, including installation of doors and windows made of wood, metal or other materials, both interior and exterior. This category does not include glass and glazing by itself.

6. **Energy Management Systems.** The design and installation of systems or maintenance programs to conserve energy use within a building. This category includes performance contracting energy saving projects. These projects may include the installation or modification of new and existing equipment which will reduce energy and water consumption associated with heating, ventilation, and air conditioning system, lighting system, building envelope, domestic hot water system, and other energy and water using devices. This category also includes the work associated with monitoring and verifying project savings and the study and/or design of the subject work. Contractors in this category may manage the entire scope of the project and may subcontract portions of the work to others.
7. **Floor Covering.** The installation of carpeting, resilient floor coverings, hardwood flooring and all types of tile installed as finished flooring within a building.
8. **Elevators.** The installation, maintenance and repair of elevators and/or handicapped accessible chair lifts within a building.
9. **Mechanical Systems.** The installation, renovation, repair and maintenance of power systems, process piping, instrumentation, controls, compressors, generators, turbines and other associated mechanical systems equipment. This category applies, in particular, to work on mechanical systems found in major buildings such as power plants, sewage and water treatment plants, pumping stations and similar buildings which requires major mechanical contracting experience.
10. **Modular Construction/ Prefab.** The fabrication and/or assembly and installation of modular or prefabricated buildings. The relocation of wood and steel frame modular buildings (type II buildings) is within this category.
11. **Pumping Stations.** The construction of pumping station buildings. Certification of contractors in this category does not indicate any conclusion that a particular pumping station project should be bid pursuant to MGL chapter 149.
12. **Roofing.** The installation of various types of roofing materials to a building, including shingles, slate, rubber, PVC and related flashing and drainage systems.
13. **Sewage and Water Treatment Plants.** The undertaking of building construction projects for the purification, reduction and disposal of sewage and/or the purification and distribution of water supplies. Certification of contractors in this category does not indicate any conclusion that a particular water or sewer project should be bid under the provisions of MGL Chapter 149.
14. **Telecommunications Systems.** Installation, repair and maintenance of telephone, intercom, television, computer network or related equipment for a major communication system within a building.

15. **Alarm Systems.** Installation, renovation, repair and maintenance of low voltage fire protection, security and other types of alarms systems within a building.
16. **Painting.** Application of paint to interior and exterior surfaces of buildings and preparation of such surfaces for the purpose of receiving a finish coat of paint, including such incidental or related work as is customarily performed by those in the painting trade.
17. **Plumbing.** Installation, renovation repair and maintenance of pipes, fixtures and other apparatus in buildings for bringing in and distributing the water supply and removing liquid and water-borne wastes, including such incidental or related work as is customarily performed by those in the plumbers' trade. Certification in this category requires possession of a Massachusetts Master Plumber's License.
18. **HVAC.** Installation, renovation repair and maintenance of the systems and apparatus required, collectively or individually, to provide comfort heating, ventilation and/or cooling within or associated with a building, including such incidental or related work as is customarily performed by those in the HVAC trade. This category does not include sheet metal work by itself.
19. **Electrical.** Installation, renovation, repair and maintenance of electrical wiring, circuits, panel boards, fixtures and equipment within a building, including such incidental or related work as is customarily performed by those in the electricians' trade. Certification in this category requires possession of a Massachusetts Master Electrician's License.
20. **Masonry.** Installation, renovation, repair and maintenance of masonry units composed of concrete, stone, or brick which are part of a building, including such incidental or related work as is customarily performed by those in the masons' trade.
21. **Waterproofing.** Installation, renovation, repair or maintenance of materials required to make foundations, walls and other surfaces of a building dampproof or impervious to water, including such incidental or related work as is customarily performed by those in the waterproofing and dampproofing trade. This category does not include roofing by itself.
22. **Fire Protection Sprinkler Systems.** Installation, renovation, repair and maintenance of fire protection sprinklers in buildings including such incidental or related work as is customarily performed by those in the Fire Protection Sprinkler Systems' trade.
23. **Historical Building Restoration, Historical Masonry and Historical Roofing.** Construction/renovation, masonry, and roofing work respectively, which meets the Secretary of the Interior's Standards for Rehabilitation issued by U.S. Department of the Interior

If applicable, the work must meet additional standards and codes administered by the local historical commission or association that oversees the property.

24. **Historical Painting.** Painting in circumstances where the original form, integrity, materials, and appearance of the building must be maintained to the greatest possible extent consistent with current standards and codes.

- B. As allowed under 810 CMR 4.03 (3), awarding authorities may request DCAM to establish special categories of work when there is good reason to limit bidding to contractors possessing skills or abilities not covered by the above listed standard categories. Special categories are awarded on a project specific basis. It is the obligation of the awarding authority to notify potential bidders of the need to apply for certification in the special category. A contractor currently certified in a standard category of work need only submit an update statement and information outlining their experience and qualifications in the special category. DCAM reserves the right to waive or modify provisions of these procedures in connection with the certification of contractors in special categories.

VII. Certification of Related Entities

- A. To receive company wide certification, a company with separately located divisions must satisfy DCAM that all its assets and expertise will be made fully available to any division actually performing work for which DCAM certification is required.
- B. To obtain certification specific to itself, a division of a company must demonstrate that it will be fully able to perform work within limits sought and meet all normal contractual and financial obligations.

VIII. Joint Ventures

- A. The joint venture as an entity must be certified to bid. Joint Venture Certificates of Eligibility are valid only for the specific project identified on the Joint Venture Certificate of Eligibility.
- B. The joint venture must submit a copy of the joint venture agreement, signed by each participant, with its application for certification. The joint venture agreement must include the following;
 - 1. A breakdown of the proportionate share of each participant in the joint venture (i.e. the percentage interest in the profits and assets or respective share in the losses and liabilities that result from the venture.)
 - 2. A statement indicating that, notwithstanding any agreements between the participants, each participant shall be jointly and severally responsible to the owner for all of the contractual undertakings of the joint venture.
- C. Contractor Qualification Statements must be filed by each participant, except that a currently certified participant may submit an Update Statement in lieu of the Contractor Qualification Statement.

- D. All participants must be currently certified by DCAM in order to be eligible for Joint Venture certification.
- E. At least one joint venture participant must be certified by DCAM in the category of work for which the joint venture seeks certification. In addition, the combined joint venture share of the individual participant(s) certified in that category must be at least 30%.
- F. The Single Project Limit of the joint venture shall be the total of the participants' individual Single Project Limits, but may not exceed the per project bonding capacity of the joint venture. However, the dollar value of each venture's participation, based on its proportionate share of the joint venture and the estimated construction cost of the project, may not exceed such venture's Single Project Limit by more than 30%.
- G. The Aggregate Work Limit of the joint venture shall be the total of the participant's individual Aggregate Work Limits, but may not exceed the aggregate bonding capacity of the joint venture. Additionally, the dollar value of each venture's participation, based on its proportionate share of the joint venture and the estimated construction cost of the project, may not exceed such venture's Aggregate Work Limit by more than 30%.

IX. Requests for Reconsideration

- A. DCAM will review all information presented by the applicant in a request for reconsideration in accordance with the standards set forth in Sections I through VIII.
- B. If the applicant challenges a particular evaluation or evaluations, DCAM may consider additional evaluations of the project from different individuals, in which case the numerical rating for the project shall be the average of all ratings received on the project.
- C. DCAM shall not consider evaluations of additional projects unless some (or all) of the evaluations previously considered by DCAM are eliminated from consideration after challenge by the applicant. In such cases, DCAM may consider evaluations of projects completed after the processing of the applicant's most recent application for certification, provided the applicant shall submit a complete list of all such projects to DCAM and the projects meet the general criteria for selection set forth in Section III A.
- D. Contractors who wish to dispute the content or rating scores documented on a Standard Contractor Evaluation Form may file written rebuttals to DCAM which shall become part of the Contractors' certification files. Evaluation rebuttals filed with DCAM shall serve as a reference for awarding authorities authorized to review contractors' files. However, rebuttals shall have no effect on either the content or the rating scores documented on the evaluation form.

X. Certification of New Companies Formed from Certified Companies

- A. A new company formed from a certified company must submit an Application for Certificate of Eligibility (DCAM Form CQ1) accompanied by a completed Contractor Qualification Statement (DCAM Form CQ2). This section also pertains to certified companies that have been purchased, merged, or divided into separate corporations or LLCs. The applicant shall provide information about completed, in progress and pending projects for both the certified company and the new company, indicating which projects belong to the new company.
- B. A new company will be considered to have been "formed from a certified company" if both of the following requirements are met:
 - 1. Evidence is presented that the certified company has ceased doing business and has been dissolved or is in the process of winding up its business, will take no new contracts and will be dissolved in the near future. Statements from the principals or officers of the certified company should be obtained, if necessary.
 - 2. Satisfactory evidence is presented that the new company grew out of the certified company, which may include a purchase and sale agreement or merger agreement and evidence of some or all of the following:
 - (a) Transfer of company stock
 - (b) Transfer of management
 - (c) Transfer of supervisory personnel
 - (d) Transfer of employees
 - (e) Transfer of inventory
 - (f) Transfer of equipment
 - (g) Transfer of leases, utility accounts, etc.
 - (h) Assumption of contracts, warranties, etc.
- C. A recommendation to the DCAM Commissioner to certify a new company formed from a certified company shall be made if:
 - 1. Resumes are submitted for the new company's management showing that they have experience managing a company engaged in the same business as the new company. Such experience may have been with the certified company or with other companies; and
 - 2. Resumes are submitted for the new company's supervisory personnel showing that they have experience supervising projects of the same type and size as will be performed by the new company. Such experience may have been with the certified company or with other companies; and
 - 3. The new company's financial statement shows that it is solvent; and
 - 4. The new company has submitted the required bonding information.

XI. Information for Public Awarding Authorities on Reviewing Contractors' Certification Files

- A. Public Awarding Authorities are strongly encouraged to review the low bidder's certification file at DCAM's Contractor Certification Office.
 - 1. Architects, Engineers, Construction Managers, or other officials representing Awarding Authorities seeking to review contractors' files must provide a letter of authorization from the respective Awarding Authority confirming approval to review files on behalf of the Awarding Authority.
- B. Awarding Authorities that can provide satisfactory evidence to DCAM that reviewing contractors' files at DCAM offices may create undue hardship may request DCAM to provide copies of contractors' files by either mail service or facsimile and DCAM may provide such files at its discretion.
 - 1. Awarding Authorities must provide DCAM a minimum of three (3) business days notice requesting mail service/facsimile copies of contractors' files.
 - 2. Only information in the file from the issuance date of contractors' previous year's Certificate of Eligibility, including all contractor evaluations shall be provided.
- C. Section XI only applies to prime or general bidders. Sub-bidders files are not open for review.
- D. All reviewers must provide a signed letter acknowledging confidentiality of contractors' files.